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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: *Calumie* DEPUTY

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ORIGINAL

22 UNITED STATES DISTRICT COURT

23 SOUTHERN DISTRICT OF CALIFORNIA

24 GEN-PROBE INCORPORATED,

25 Plaintiff,

26 v.

27 VYSIS, INC.,

28 Defendant.

No. 99cv2668 H (AJB)

**STIPULATION AND ~~PROPOSED~~ ORDER
ALLOWING GEN-PROBE INCORPORATED TO
FILE UNDER SEAL CERTAIN DOCUMENTS UPON
WHICH IT RELIES TO SUPPORT ITS MOTION
FOR PARTIAL SUMMARY JUDGMENT**

29 I. FACTS

30 1. On September 18, 2000, this Court entered a Protective Order to govern the use and
31 disclosure of confidential information disclosed in discovery in this litigation, a true and correct
32 copy of that Protective Order and the subsequent amendment thereto are attached hereto as Exhibit
33 A. Pursuant to paragraph 13 of the Protective Order, no documents shall be filed under seal unless
34 the Court issues a separate Order upon application of the affected party.

1 2. Gen-Probe Incorporated ("Gen-Probe") is now moving for partial summary
2 judgment and among other things relies upon information Defendant Vysis, Inc. ("Vysis") has
3 designated under the Protective Order as being confidential to support that motion.

4 3. As Exhibit 9 in support of its Motion for Partial Summary Judgement, Gen-Probe
5 relies upon excerpts from the transcript of the deposition of Jonathan Lawrie, Ph.D. taken February
6 15, 2001. Pursuant to the Protective Order, Vysis designated the transcript of Dr. Lawrie's
7 deposition as Confidential.

8 4. As Exhibit 10 in support of its Motion for Partial Summary Judgment, Gen-Probe
9 relies upon excerpts of the transcript of the deposition of James Richards, Ph.D. taken March 30,
10 2001. Pursuant to the Protective Order, Vysis designated portions of the transcript of Dr.
11 Richards' deposition as Confidential-Attorney's Only.

12 5. The relevant portions of Drs. Lawrie and Richard's deposition transcripts are
13 contained in the sealed envelope attached hereto as Exhibit B and therein are labeled as Exhibits 9
14 and 10, respectively.

15 **II. STIPULATION**

16 The parties, through their respective counsel, stipulate that the portions of Drs. Lawrie and
17 Richards' deposition transcripts upon which Gen-Probe relies to support its Motion for Partial
18 Summary Judgment shall be filed under seal in accord with the terms of the Protective Order
19 entered in this case.

20 Dated: April 30, 2001

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By: 

J. Christopher Jaczko

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1 Dated: April 30, 2001

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9 **IT IS SO ORDERED**

10 Gen-Probe may file the excerpts of Drs. Lawrie and Richards' deposition transcripts upon
11 which its relies to support its Motion for Partial Summary Judgment under seal in accord with the
12 terms of the Protective Order entered in this case.

13 Dated: 5/3/01

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Maurice L. Huff
JUDGE OF THE DISTRICT COURT